

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**AMBER C. PEE**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 1:09CV44-DAS**

**MICHAEL J. ASTRUE,  
Commissioner of Social Security**

**DEFENDANT**

**ORDER AWARDING ATTORNEY FEES**

Before the court is the claimant's motion (# 19) for payment of attorney fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. In these proceedings, the claimant sought judicial review of the final decision of the Commissioner of Social Security, denying a claim for benefits. By Order (#17) dated March 11, 2010, the court remanded this case to the Commissioner for further proceedings. The claimant now seeks attorney fees under the EAJA on the ground that the Commissioner's position was not "substantially justified." By the motion and attached exhibits, the claimant requests an award of \$5,197.74 in attorney fees and \$395.00 in costs. The Commissioner agrees that the claimant should receive \$5,242.74 in attorney fees and expenses and be reimbursed \$350.00 for the filing fee from the Judgment Fund.

The court, having considered the foregoing and the record of this case, finds that the \$5,242.74 in attorney's fees is reasonable and appropriate and that the claimant should also be reimbursed \$350.00 in costs. Therefore, it is

**ORDERED** that the claimant's motion for payment of attorney's fees under the EAJA is hereby **GRANTED**, and the Commissioner shall pay the claimant's attorney \$5,242.74 in attorney fees and expenses.

**IT IS FURTHER ORDERED** that the claimant's attorney shall also receive \$350.00 which is to be paid from the Judgment fund.

**THIS**, the 29<sup>th</sup> day of March, 2010.

/s/ David A. Sanders  
**U. S. MAGISTRATE JUDGE**